



US Army Corps
of Engineers®

Nashville District

Public Notice

Public Notice No. 06-07

Date: January 19, 2006

Application No. 200502608

Expiration Date: February 19, 2006

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn. Floyd M. Carnes

SUBJECT: Proposed Deposit of Fill Material Associated with Channel Relocation on an Unnamed Tributary to Town Creek at Mile 2.6, Left Bank, Cumberland River Mile 236.7, Right Bank, Sumner County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)**. Before a permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, Department of Environment and Conservation, pursuant to Section 401 (a)(1) of the CWA, that applicable water quality standards will not be violated.

APPLICANT: TARA Interest, Inc.
2500 Marina Bay Drive, Suite Z
League City, Texas 77573

LOCATION: Unnamed Tributary to Town Creek at Mile 2.6, Left Bank, Cumberland River Mile 236.7, Right Bank, Sumner County, Tennessee.
(USGS GALLATIN, TENN. Quadrangle; Longitude: 86-27-20.1; Latitude: 36-21-40.5)

DESCRIPTION: The proposed work consists of the placement of fill material in 533' of stream channel due to its relocation. The new channel would be 547' long and approximately 2' wide with 4:1 side slopes, the width would be the same as the existing channel. In-stream enhancement features, such as rock and boulder clusters, would be constructed in the new channel to allow the stream to create its own low flow channel and meanders. Prior to diverting the flow into the new channel, plugs would be maintained at the upper and lower ends of the new channel until the new channel stabilizes. Disturbance to the existing vegetation would be kept to a minimum and a variety of native tree species would replace those that are removed during construction. In addition, a corrugated metal pipe culvert measuring 81'x 24" would be installed for access to the development.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

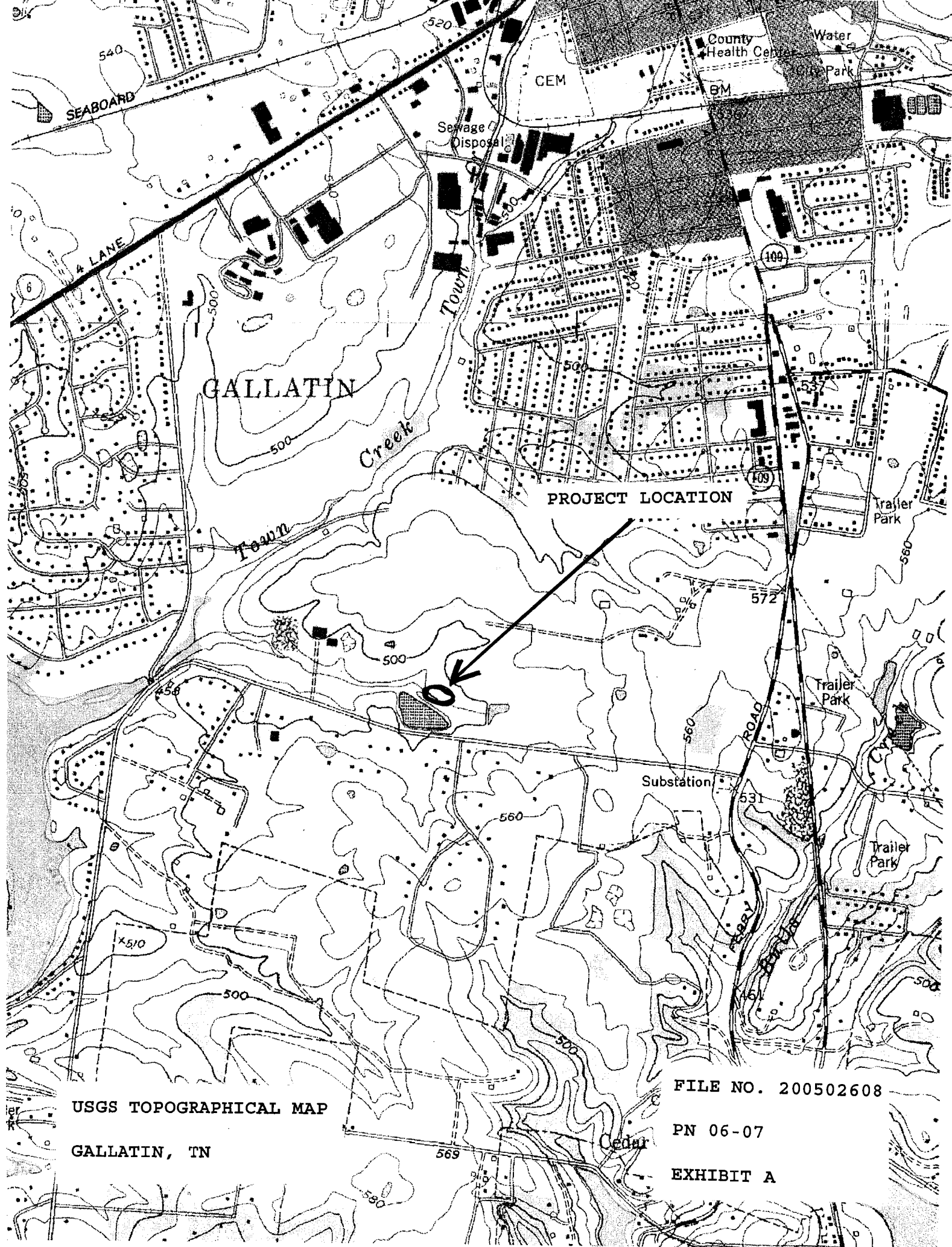
The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time. Other federal, state, and/or local approvals may be required for the proposed work. The State of Tennessee, Department of Environment and Conservation, must issue a water quality certification for the work in accordance with Section 401(a)(1) of the CWA.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **February 19, 2006**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503.



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EXHIBIT A



NORTH

533ft. OF EXISTING
WATERCOURSES

TENNESSEE HIGHWAY 109
(R/W VARS)

MAP 135, PARCEL 2.05
SUMNER ACADEMY INC.

MAP 135, PARCEL 2.01
SUMNER ACADEMY INC.

MAP 135, PARCEL 2.06
SUMNER ACADEMY INC.

LAKE
W.S.E.
478.7

PARK
AREA
6.309± AC

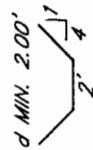
40' TO 80'
CONSERVATION
EASEMENT

547ft. OF NEW
OPEN CHANNEL

25' BUFFER

CULVERT
81ft. OF 24" CMP

NEW CHANNEL CROSS-SECTION

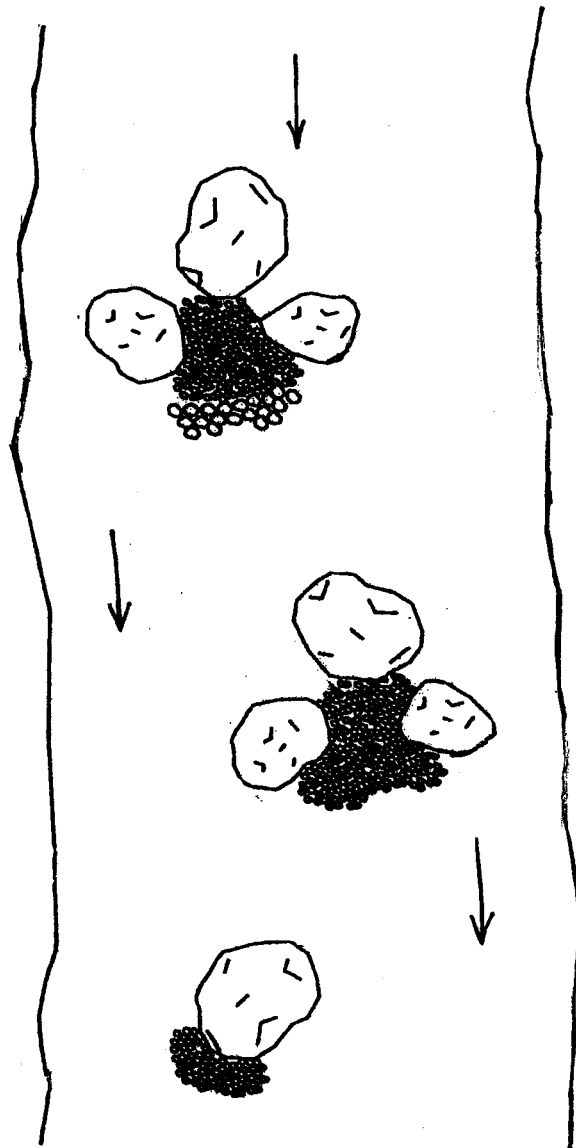


2' MIN. 2.00'

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EXHIBIT B



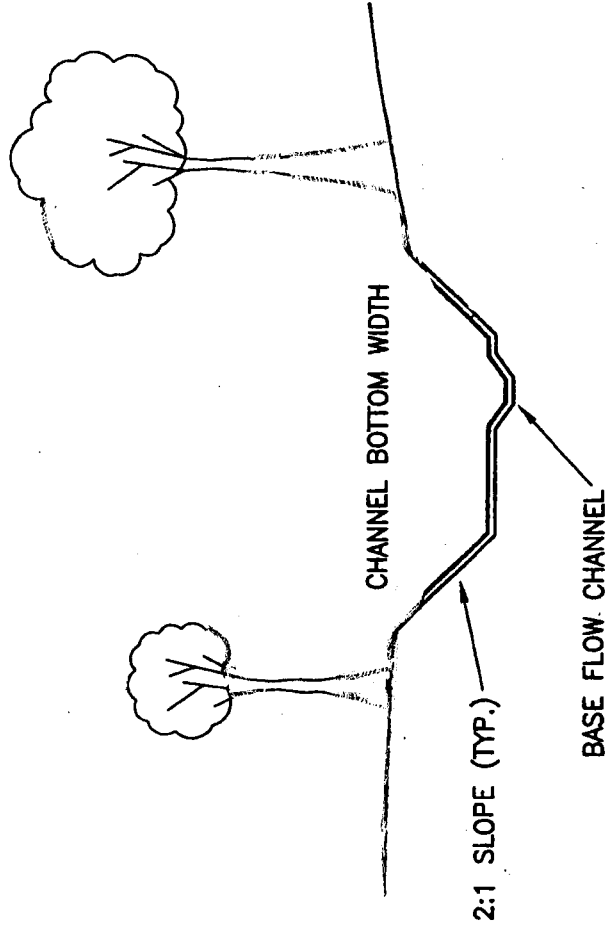
BOULDER CLUSTER
NOT TO SCALE

Boulder Cluster

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EXHIBIT C



TYPICAL SECTION LOOKING UPSTREAM
NOT TO SCALE

Typical Stream Section

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EXHIBIT D